

## INITIATIVE 168

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copies of Initiative Measure No. 167 and Initiative Measure No. 168 to the Legislature are true and correct copies as they were received by this office.

**Reviser's note:** Multiple initiatives were certified by this certificate. Each is filed as a separate document.

1       AN ACT Relating to the rights of law-abiding citizens of a free  
2 state to keep and bear arms; adding a new chapter to Title 9 RCW;  
3 creating new sections; and prescribing penalties.

4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

5       NEW SECTION.   **Sec. 1.** This act shall be known and cited as the  
6 Gun-rights Restoration Act.

7       NEW SECTION.   **Sec. 2.** The people find that the right of self-  
8 protection and self-defense, as well as the protection and defense of  
9 one's family, home, property, and liberty, is a natural and fundamental  
10 right of all people; and that the right to acquire, keep, and bear arms  
11 is a necessary and proper extension of that right to self-protection  
12 and self-defense.

13       The people further find that the right to acquire, keep, and bear  
14 arms includes the right of the citizens to decide for themselves, as  
15 free individuals, what type, manner, and quantity of arms best meets  
16 their individual needs and their personal ability to provide for their  
17 personal protection and defense.

1       The people further find that the blessings of liberty secured by  
2 the Constitution of the United States and by the Constitution of the  
3 state of Washington depend upon a free and armed citizenry to remain  
4 secure; that the Second Amendment of the former, and Article I, section  
5 24, of the latter, were ordained by the people specifically to  
6 guarantee that security by prohibiting the government from infringing  
7 upon the individual citizen's rights to keep and bear arms.

8       The people further find that the Constitution of the United States'  
9 Fifth Amendment guarantee that no person shall be deprived of liberty  
10 without due process of law has direct and meaningful application to the  
11 Second Amendment liberty to keep and bear arms.

12       The people now find that over the years the state legislature and  
13 various county and local governing bodies have enacted laws,  
14 regulations, taxes, restrictions, and other burdens upon the right of  
15 the law-abiding citizens to acquire, keep, and bear arms; and the  
16 people find that such measures, when they exceed the need of the state  
17 to secure a valid purpose, are in violation of the people's fundamental  
18 rights of self-protection, as well as in violation of the state and  
19 federal constitutions, and are incompatible with the ideals of a free  
20 state. Therefore, the people hereby enact this chapter.

21       NEW SECTION.   **Sec. 3.** All laws within the state of Washington or  
22 any political subdivision thereof that make it a criminal offense, or  
23 provide a civil penalty, for an otherwise law-abiding adult citizen to  
24 acquire, keep, or bear arms are hereby repealed, subject to section 8  
25 of this act.

26       (1) Nothing in this chapter shall be construed to prohibit a sworn  
27 state, county, or municipal peace officer, acting in the course of  
28 duties, from disarming any citizen when the actions, conduct,  
29 condition, or behavior of such citizen poses an immediate threat to the  
30 safety of the public.

31       (2) Nothing in this chapter shall be construed to deny the right of  
32 a private property owner to forbid any person or persons from carrying  
33 arms onto privately owned property.

34       NEW SECTION.   **Sec. 4.** The right to acquire, keep, and bear arms,  
35 being unalienable rights, cannot be subject to license or permit  
36 requirements. Therefore all laws and regulations within the state of  
37 Washington, or any political subdivision thereof, requiring a license

1 or permit to acquire, keep, or bear arms by a law-abiding adult citizen  
2 are hereby repealed.

3 NEW SECTION. **Sec. 5.** Laws, regulations, requirements, and  
4 restrictions relating to issuance of licenses or permits to engage in  
5 the manufacture, transportation, distribution, or sale of arms are  
6 deemed by the people to be burdens and infringements upon the right of  
7 law-abiding adult citizens to acquire, keep, and bear arms; therefore,  
8 all such laws, regulations, requirements, and restrictions relating  
9 specifically to, and pertaining only to, the manufacture,  
10 transportation, distribution, or sale of arms or ammunition within the  
11 state of Washington or any political subdivision thereof are hereby  
12 repealed, subject to section 8(6) of this act; except that:

13 (1) Nothing in this section shall be construed to prohibit the  
14 requirement of a standard business license by a person or persons  
15 engaged in a business that involves either primarily or secondarily the  
16 manufacture, transportation, distribution, or sale of arms and  
17 ammunition when such standard business license is required of persons  
18 engaging in similar business activities that do not involve arms or  
19 ammunition, so long as no special, additional, or extraordinary  
20 license, regulation, or requirement shall be required of nor imposed  
21 upon an applicant for, or the holder of, a business license on account  
22 of the nature of the business involving the manufacture,  
23 transportation, distribution, or sale of arms or ammunition; and

24 (2) Chapter 70.74 RCW shall not be affected by this section.

25 NEW SECTION. **Sec. 6.** The power to tax being the power to control,  
26 and taxation of a right being a burden and an infringement upon the  
27 free exercise of that right; therefore, within the state of Washington  
28 or any political subdivision thereof, all extraordinary taxes and fees  
29 imposed upon the manufacture, sale, transportation, distribution, or  
30 ownership of arms and ammunition, when such extraordinary taxes and  
31 fees are in addition to or in excess of, or levied at a higher rate  
32 than taxes and fees imposed upon the manufacture, sale, transportation,  
33 distribution, or ownership of goods and materials not related to arms  
34 and ammunition, are hereby repealed.

35 NEW SECTION. **Sec. 7.** (1) The people find that the Constitution of  
36 the United States' Tenth Amendment reservation of powers by the states

1 has direct and meaningful application to the right to keep and bear  
2 arms. The people deem federal acts, laws, taxes, fees, regulations,  
3 and restrictions upon the right of law-abiding adult citizens to  
4 acquire, keep, and bear arms to be contrary to the Tenth Amendment of  
5 the Constitution of the United States and contrary to the needs,  
6 interests, and desires of the people of the state of Washington.  
7 Therefore, the people hereby prohibit the enforcement within the state  
8 of Washington of any law, act, tax, fee, regulation, or restriction  
9 relating to the right to acquire, keep, and bear arms, not passed by  
10 the people, or by the legislature, of the state of Washington.

11 (2) Any person or persons who, under color of the law, violates,  
12 denies, interferes with, or infringes upon or abridges; or who  
13 conspires or attempts to violate, deny, interfere with, or infringe  
14 upon or abridge the right of any law-abiding adult citizen within the  
15 state of Washington to acquire, keep, and bear arms shall be guilty of  
16 a class C felony and subject to other such criminal and civil penalties  
17 as may otherwise be provided by law.

18 (3) For the purposes of this section, "person or persons" shall  
19 mean every individual including, but not limited to, employees,  
20 officers, agents, or enforcers of local, county, state, federal, and  
21 international governments.

22 NEW SECTION. **Sec. 8. EXCEPTIONS.** (1) Existing laws prohibiting  
23 the possession of arms by convicted violent felons are not affected by  
24 this chapter.

25 (2) Existing laws prohibiting the possession of arms by any  
26 individual deemed by a court of competent jurisdiction to be mentally  
27 deficient, emotionally impaired, or deficient of sound judgment when  
28 such impairment or deficiency renders it dangerous to any person or to  
29 the public at large, for said individual to be in possession of arms,  
30 are not affected by this chapter.

31 For purposes of this section, RCW 9.41.097 shall apply.

32 (3) Existing laws regulating or prohibiting the possession of arms  
33 by aliens, whether their status in this state is legal or illegal, are  
34 not affected by this chapter.

35 (4) Existing laws regulating or prohibiting the carrying of arms in  
36 court houses, jails, restricted access areas of mental hospitals,  
37 restricted access areas of law enforcement facilities, places where  
38 public hearings are held, or that portion of an establishment that is

1 licensed by the state liquor control board to serve alcoholic beverages  
2 are not affected by this chapter.

3 (5) Existing laws regulating the possession of fully automatic  
4 machine guns are not affected by this chapter.

5 (6) Nothing in this act shall be so construed as to prohibit a  
6 nuisance abatement action when such action is necessary to preserve the  
7 safety of the general public or to protect life or property.

8 (7) Chapter 70.74 RCW shall not be affected by this act.

9 NEW SECTION. **Sec. 9.** DEFINITIONS. For the purposes of this act  
10 the following definitions shall apply.

11 (1) "Adult" means any person twenty-one years of age or older, or  
12 any person under the age of twenty-one who is accompanied by and under  
13 the immediate supervision of his or her parent or legal guardian; and  
14 any person under the age of twenty-one who is an active member of any  
15 branch of the United States armed forces.

16 (2) "Arms" means any article, item, or implement designed and  
17 intended to be used primarily as a weapon whether such article, item,  
18 or implement was designed or intended to be used for sport, recreation,  
19 or defense. "Arms" does not mean or include bombs, hand grenades, or  
20 other explosive or incendiary devices.

21 For purposes of this section the definition of explosives in RCW  
22 70.74.010 shall apply.

23 (3) "Citizen" means everybody who is a citizen of the state of  
24 Washington or a citizen of any one of the fifty states that make up the  
25 union of the United States of America, or the District of Columbia.  
26 Except, "citizen" does not mean or include any official, agent,  
27 officer, or employee of any local, state, or federal agency,  
28 department, or division when such official, agent, officer, or employee  
29 is actually engaged in the duties or performance of duties of such  
30 federal agency, department, or division: PROVIDED, That nothing in  
31 this chapter shall be so construed as to prohibit the possession of  
32 firearms or other weapons by any official, agent, officer, or employee  
33 of any local, state, or federal agency, department, or division when  
34 legal authority to possess such firearms or other weapons has been  
35 granted by enactment of law.

36 (4) "Law-abiding adult" means any adult who is not engaged in the  
37 commission of a crime or other unlawful activity; and whose actions,

1 conduct, condition, or behavior does not pose an immediate threat to  
2 the public peace and safety; subject to section 8 of this act.

3 NEW SECTION. **Sec. 10.** (1) The provisions of this act are to be  
4 liberally construed to provide the greatest freedom of the citizens to  
5 exercise the rights of self-defense, and to acquire, keep, and bear  
6 arms; and to provide the greatest restriction against governmental  
7 interference, obstruction, or infringement of those rights.

8 (2) All provisions of this act shall be self-executing.

9 (3) In the event a conflict arises between this chapter and any  
10 other provisions of law, the intent and purposes of this chapter shall  
11 govern; and, for purposes of judicial interpretation, all state and  
12 local laws and regulations in existence on the effective date of this  
13 act, which are inconsistent with this act, are implicitly repealed to  
14 the extent necessary to resolve the inconsistency.

15 NEW SECTION. **Sec. 11.** (1) If the constitutionality or the  
16 enforceability of any part of this act is questioned at law the  
17 questioned part shall remain in full force and effect until such time  
18 as that part has been finally adjudged to be contrary to the  
19 Constitution of the United States or contrary to the Constitution of  
20 the state of Washington.

21 (2) If any provision of this act is held invalid, the remainder of  
22 this act is not affected.

23 NEW SECTION. **Sec. 12.** Upon passage of this act, the law and  
24 justice committees of the senate and the house of representatives shall  
25 cause to be prepared, as soon as may be reasonably done, such  
26 documentation as necessary to bring all pertinent provisions of state  
27 law into compliance with the intent and purposes of this chapter.

28 NEW SECTION. **Sec. 13.** Sections 1 through 11 of this act shall  
29 constitute a new chapter in Title 9 RCW.

30 NEW SECTION. **Sec. 14.** Captions used in this act do not constitute  
31 any part of the law.

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